



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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MEMORANDUM

DATE: January 5, 2006

TO: Chief Judges

cc: Judges, Court Administrators, District Court Magistrates and Clerks of Court

FROM: Sandi Hartnell
Management Analyst

RE: Range of Civil Fines and Costs for First-Time Civil Infractions

The following schedule of recommended ranges of civil fines and costs for first-time civil infractions is published and distributed pursuant to MCL 257.907(8). These recommendations are intended to act as a normative guide for judges and district court magistrates and as a basis for public evaluation of disparities in the imposition of civil fines and costs throughout the state. **Shaded** fields are either statutory minimum or mandatory amounts, and **must be imposed**. Please refer to the notes on page 2 and footnotes on page 6 for additional information. Column contents are explained on page 2.

Changes to the chart for 2006 include: 1) a clarification on page five that the \$25 fee for No Proof of Insurance is not mandatory, 2) a clarification on page two that waiver of fines and costs for defective equipment occurs only when the citation specifies a violation under MCL 257.683, and 3) the addition on page five of two new offenses. The new offenses are Abandoned Vehicle; Fail to Redeem Before Sale and Fail to Maintain Proof of Vehicle Sale.

MCL 257.907(4) prohibits the assessment of costs unless a fine has been ordered and prohibits waiver of assessed fines unless the costs are also waived. The law regarding the assessment of costs in civil infraction cases appears to limit costs to direct and indirect expenses to the *plaintiff* in connection with the civil infraction, *excluding* expenses to support the day-to-day operations of the district court. A range of costs has been recommended to allow for variable factors.

Each court is expected to prepare its own schedule of fines and costs, taking into account the factors affecting the plaintiff's costs. Additional costs resulting from hearings, multiple appearances, or accidents should be added, as applicable, by the court. Costs shall not be ordered in excess of \$100, pursuant to MCL 257.907(4). Fifty-six days after any amount due and owing remains unpaid, courts must impose a late penalty equal to 20 percent of the outstanding amount, pursuant to MCL 600.4803.

Each court that establishes a schedule of fines and costs **must** prominently post it and make it readily available for public inspection, pursuant to MCL 257.907(7).

This schedule should be distributed to circuit court family division, district and municipal court judges, court administrators, district court magistrates and other appropriate parties. The current schedule is posted on the State Court Administrative Office website at http://courts.michigan.gov/scao/resources/other/fc_ci.pdf

If you have any questions concerning these recommendations, please contact me at hartnells@courts.mi.gov or 517-373-0122.